

***United States Court of Appeals
for the Second Circuit***

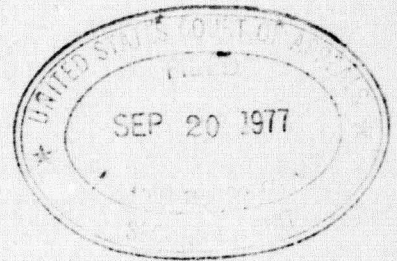


APPENDIX

77-6125

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

77-6125



IN THE MATTER OF:
ESTABLISHMENT INSPECTION OF:
M & B INDUSTRIES CORPORATION

On Appeal From
The United States District Court
For The Eastern District Of New York

APPENDIX

M & B INDUSTRIES CORPORATION
Pro-Se for Appellant
Brooklyn, New York 11213
(212) 438-0510

PAGINATION AS IN ORIGINAL COPY

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Notice of Appeal

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	N/S	O	OTHER	NUMBER	DEM.	YR.	NUMBER
207/177C	1354	106	13	54	1	790	1	APPEAL	0720	MAIL		
PLAINTIFFS						DEFENDANTS						

IN THE MATTER OF : ESTABLISHMENT INSPECTION OF M. & B INDUSTRIES, INC.

Ray Marshall
U.S. Secretary of Labor
Washington, D.C.

M & B Industries Inc.
1261 38th Street
Bklyn., NY 11218

28 USC 1345

Inspection warrant pursuant to occupational ^{CAUSE} Safety & Health Act of 1970
(29 USC 651 et seq.)

ATTORNEYS

For Pltff.:
Francis V. La Ruffa
Regional Solicitor
U.S. Depart of Labor
1515 Broadway Room 3555
NY, NY 10036
(399 5575)
by John M. Brunner

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☐ CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	CD NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

77C 1354 IN THE MATTER OF : ESTABLISHMENT INSPECTION OF M & B I
 DATE: PROCEEDINGS

6/29/77 Application for inspection warrant under the Occupational Safety and Health Act of 1970. filed. and MEMORANDUM OF LAW in support of this application filed. (1 & 2) lg

7/20/77 By PLATT, J.--Order to show cause dtd 7-18-77 ret. 7-21-77 for an order issuing a warrant and permitting Secty of Labor to enter upon and inspect respondent's premises, etc filed without proof of service (3)

7/21/77 Affidavit of service of Joseph F. Switzer filed for memo of law, warrant for inspection, application for inspection, and order to show cause. tk (4)

7/21/77 Before PLATTJ. - Case called. On request of respondent pro se Order to Show Cause for a warrant permitting secty of labor to inspect respondent premises is adjd to 7/25/77 at 9:30 for hearing. ---t

7/25/77 BY PLATT, J. WARRANT FOR INSPECTION under the OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 permitting U.S. Department of Labor to enter premises and a return shall be made to this court showing that inspection has been completed within 10 days of the issuance of this warrant, filed. (5) lg

7/25/77 Before PLATT, J. Case called. Petitioner's motion for warrants is GRANTED. Warrants signed. lg

7-26-77 Motion for rehearing and/or reconsideration filed. 1d(6)

7-26-77 Motion for restraining order and/or stay of warrant filed. 1d(7)

7/27/77 Notice of appeal filed by deft. Copy mailed to C. of A. and docket entries forwarded. (8) lg

8/1/77 BY PLATT, J. MEMORANDUM AND ORDER dtd 7/29/77 that motion of deft. for reconsideration of court's decision IN RE: Signing of warrants of inspection, is DENIED, but motion for a stay is GRANTED through 8/16/77 (the next available motion date in C. of Appeals) provided that M & B files and perfects a prompt & timely appeal. The warrants of inspection shall be effective for 10 days after 8/16/77 or 10 days after a denial of a further stay by Court of Appeals, filed. (9) lg

8/10/77 BY WEINSTEIN, J. ORDER dtd 8/9/77 that MOTION (to extend time of restraining order & or stay of warrant of plttf's) is DENIED. Further stay should be obtained from the appellate court. The clerk shall inform counsel. SO ORDERED, filed. (Counsel notified) lg (Endorsed (10)

8/10/77 on plttf's motion to extend time of restraining order & or stay of warrant in which plttf. wrote that copy of said motion was mailed on 8/9/77 to opposing party)

8/10/77 Record on appeal certified and mailed to court of appeals

8-22-77 Acknowledgment received from C of A for receipt of record on appeal and filed. mm

9/9/77 Stenographers transcript filed dated 7/25/77. tk (11)

9-16-77 Supplemental index certified and mailed to C of A. mg (12)

Y AVAILABLE

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

RAY MARSHALL, Secretary of Labor,
United States Department of Labor,

Complainant,

v.

M & B INDUSTRIES, INC.,

Defendant.

:
: Civil Action

: File No. 77 C 1354

: ORDER TO SHOW CAUSE

This matter is before the Court on application of the Secretary of Labor, United States Department of Labor, for a warrant requiring M & B Industries, Inc., and any of its officers or authorized agents to permit entry and inspection of their place of business under the Occupational Safety and Health Act of 1970, 29 U.S.C. §651 et seq. It appears that Occupational Safety and Health Administration Compliance Officers attempted to make the inspection authorized by Title 29, United States Code, Section 657(a) and were refused entry into the place of business.

Upon consideration of the affidavit of Joseph F. Switzer, sworn to June 29, 1977, and all the papers submitted, it is hereby

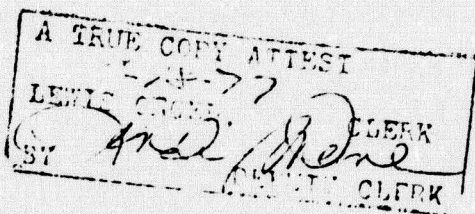
ORDERED that the respondent herein, M & B Industries, Inc., appear before the Court on the 21st day of July, 1977, at 9:30 AM in Room 7 of the United States District Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, and show cause why a warrant should not issue requiring them to permit the Secretary of Labor or his authorized representatives, to enter and inspect the respondent's premises at 1261 38th Street, Brooklyn,

New York, as authorized by Title 29, United States Code, Section 657(a) and why an order should not issue enjoining them to authorize and permit the Secretary of Labor or his authorized representatives to enter and inspect the respondent's premises pursuant to said warrant.

It is further ordered that a copy of this order together with a copy of the warrant, application, affidavit and the Secretary of Labor's memorandum of authority be *personally* served by the United States Marshal, his Deputy or an employee of the United States Department of Labor upon any officer or responsible official of M & B Industries, Inc., at its office in Brooklyn, New York, on or before July 19, 1977 *at 0745 PM*

DATED: Brooklyn, New York

July 18, 1977 - *NOON*



Thomas C. Pitt
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF:

ESTABLISHMENT INSPECTION OF :

M & B INDUSTRIES, INC.,

DOCKET NO.

77C 1354

APPLICATION FOR INSPECTION WARRANT UNDER THE
OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

RAY MARSHALL, Secretary of Labor, United States Department of Labor, hereby applies for an inspection warrant, pursuant to section 8(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) hereinafter referred to as the Act, and the regulations issued pursuant thereto (29 CFR 1903.3), for the inspection and investigation of the place of business of M & B INDUSTRIES, INC., located at 1261 38th St., Brooklyn, Kings County, New York and described as follows: a business engaged in the manufacture of ironing boards and related activities. Jurisdiction is conferred on the Court by 28 U.S.C. §1337 and 28 U.S.C. §1345.

1. This establishment houses the workplace of employees who are employed by an employer, engaged in a business affecting commerce, and is subject to the requirements of the Act.
2. The desired inspection is part of an inspection and investigation program designed to assure compliance with the Act and is authorized by section 8(a) of the Act.
3. The inspection and investigation will be conducted by one or more compliance officers designated by the Secretary of Labor, United States Department of Labor, to be his authorized representative(s), pursuant to proper and reasonable administrative

standards contained in regulations duly issued by the Secretary under authorization granted in the Act and found in 29 CFR 1903.

4. The inspection and investigation will be conducted during regular working hours or at other reasonable times, within reasonable limits, and in a reasonable manner. The compliance officer(s)' credentials will be presented to the employer, and the inspection and investigation will be commenced as soon as practicable after the issuance of this warrant and will be completed with reasonable promptness, in accordance with section 8(a) of the Act.

5. The inspection and investigation will extend to the establishment or other area, workplace, or environment where work is performed by employees of the employer, and to all pertinent conditions, structures, machines, apparatus, devices, equipment, materials, and all other things therein (including records, files, papers, processes, controls, and facilities) bearing on whether this employer is furnishing to its employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees, and whether this employer is complying with the Occupational Safety and Health Standards promulgated under the Act and the rules, regulations, and orders issued pursuant to the Act.

6. The compliance officer(s) are authorized by the Act and in 29 CFR 1903.7 regulation promulgated under section 8(a) of the Act to take photographs and samples, employ other reasonable investigative techniques, and to question privately any employer, owner, operator, agent, or employee of the establishment.

7. The compliance officer(s) may be accompanied by a representative of the employer and a representative authorized by his employees, pursuant to section 8(e) of the Act.

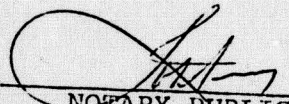
8. A return will be made to the court at the completion of the inspection and investigation.

9. Proper entry pursuant to section 8(a)(1) of the Act for the aforesaid purposes was attempted by a compliance officer on the 7th day of June 1977, but the right of entry was denied by the employer, or an agent of the employer.

10. The authority for issuance of the Order herein sought is section 8(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) the Regulations issued pursuant thereto in 29 CFR 1903.3; and Camara v. Municipal Court, 387 U.S. 523 (1967); See v. Seattle, 387 U.S. 541 (1967); and Colonnade Catering Corp. v. United States, 397 U.S. 72 (1970).

Joseph J. Switzer
Compliance Officer
Occupational Safety and Health
Administration
U.S. Department of Labor
185 Montague Street
Brooklyn, New York 11201

New York
Kings County
Sworn to before me and
subscribed in my presence
this 19 day of June, 1977.


NOTARY PUBLIC
JOHN P. BRUNETTI
Notary Public, State of New York
No. 43-5436435
Qualified in Richmond County
Commission Expires March 30, 1978

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF: :

ESTABLISHMENT INSPECTION OF :
M & B INDUSTRIES, INC.,

A F F I D A V I T

STATE OF NEW YORK)
COUNTY OF NEW YORK : SS.:

JOSEPH F. SWITZER, being duly sworn, deposes and says:

1. I am a Compliance Officer with the Occupational Safety and Health Administration, United States Department of Labor. I am assigned to the Brooklyn, New York Area Office. I am fully familiar with the facts and circumstances of this case.

2. On June 14, 1977, I was assigned by the Brooklyn Area Director, Occupational Safety and Health Administration to conduct an official investigation of the M & B Industries, Inc., manufacturing plant located at 1261 38th Street, Brooklyn, New York.

3. On June 15, 1977, at about 9:15 a.m., I arrived at the above noted workplace in order to inspect whether or not there were violations of the Occupational Safety and Health Act of 1970 and the regulations promulgated thereunder. Specifically, we sought to determine if possible violations, indicated in a request for an inspection from the New York City Fire Department, existed. A copy of the request from Acting Chief Joseph M. Ganzekaufer is attached hereto as Exhibit A.

4. Accompanied by trainee Willie Purvis, we arrived at said workplace. There was no name or identification on the building. I saw an employee picking up some steel tubing, which had been delivered to the front of the building, and asked him

who was in charge of the business. He pointed inside to the office and stated that the boss was there. Mr. Purvis and I entered the building and waited in the hall entrance outside of the office. I could see into the office and saw that nobody was there. I could also see into the workroom and saw some power presses. Some employees were at work. Just then, the phone rang and the boss came out of the workroom to the hall entrance. I presented my credentials and we all went into the office. He finished his phone conversation and I introduced trainee Willie Purvis. I presented him with a copy of the complaint and explained that I was there to investigate the alleged violation which was poor housekeeping. He stated that he did not want us in his place and asked us to leave. I asked him why? He stated that he did not have time for us. I explained that he could appoint some responsible person to represent him. He again stated that he wanted us to leave. I asked him for his name and the name of the company. He refused to answer any questions and insisted that we leave. In leaving, I noticed a New York State Unemployment Poster on the office wall and noted that the name of the firm was M & B Industries, Inc., (this was later verified by checking the listing in the Brooklyn Telephone Directory). He accompanied us outside and I explained to him that we may be back with a warrant. He then stated that if we notified him first and if he had the time he might let us conduct the inspection.

I told him that we were not permitted to give prior notice. He then entered a truck bearing New York Commercial license plate #8922 M.H. We left the site at approximately 9:30 a.m. I phoned the Area Office and reported the situation to Supervisor Jack Murphy.

Wherefore, this affidavit is submitted in support of
the Secretary of Labor's application for an inspection warrant.
I have read and had an opportunity to correct the above affidavit
and swear that it is true and correct to the best of my knowledge
and belief.

New York
Kings County

Sworn to before me this
29 day of June 1977.


JOSEPH F. SWITZER


NOTARY PUBLIC

JOHN P. BRUNETTI
Notary Public, State of New York
No. 43-5496435
Qualified in Richmond County
Commission Expires March 30, 1978



DIVISION OF FIRE PREVENTION
Room 1128, Municipal Building
Brooklyn, New York 11201

In Reply Refer to
Desk 9-A

June 2, 1977

Mr. Alfred Barden
Regional Administrator
Occupational Safety & Health Admin.
U.S. Department of Labor
1515 Broadway
New York, New York

Re: Premises: 1261/1263 38th Street
Brooklyn, N.Y.

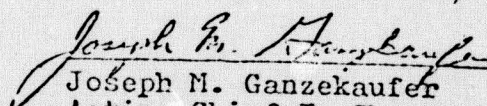
Dear Mr. Barden:

The above cited premises is presently occupied as a factory engaged in the manufacture of ironing boards. Inspections conducted by this department have disclosed a number of serious safety violations, however, due to the poor attitude and non-cooperation of the building owner many of these violations remain uncorrected, even after summary action. It has become necessary for this department to appear before the courts in order to obtain inspection warrants whenever it is necessary to gain access to these buildings.

It is understood that some of the items reported come within the scope of the jurisdiction of your office, therefore, in the interest of public safety, it is recommended that your office have the matter investigated.

Thank you for your cooperation in this matter of mutual concern.

Very truly yours,


Joseph M. Ganzekaufer
Acting Chief In Charge
Division of Fire Prevention

JMG:mj

EXHIBIT A

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----x
5 MARSHALL, :
6 Plaintiff, : 77-C-1354
7 -against- :
8 M & B INDUSTRIES, :
9 Defendant. :
10 -----x

11 United States Courthouse
12 Brooklyn, N.Y.

13 July 25, 1977
14 9:30 o'clock A.M.

15 B e f o r e :

16 HONORABLE THOMAS C. PLATT, U.S.D.J.
17
18
19
20
21
22

23 PAUL KLIMASZEWSKI
24 COURT REPORTER
25

Appearances:

FRANCIS LA RUFFA, ESQ.
Attorney for Plaintiff

BY: JOHN M. BRUNNER, ESQ.
Of Counsel

MR. B. FRIEDMAN
Pro Se

1
2 THE CLERK: Civil hearing, Marshall v. M&B
3 Industries.

4 THE COURT: In the matter of M&B Industries,
5 regarding an attempt at inspection of the respondent's
6 premises, this matter was called last Friday and
7 Mr. Friedman appeared on behalf of M&B Industries, Inc.,
8 without counsel, and he indicated to the Court he
9 would get counsel by this morning, and he has appeared
10 this morning without counsel again and asked to be
11 heard on the application.

12 I am giving him the opportunity to be heard.

13 Why shouldn't they make that inspection?

14 MR. FRIEDMAN: First of all, they should say what
15 they want to do.

16 THE COURT: They already said it; have you read
17 the papers? Have you read their papers?

18 MR. FRIEDMAN: I read the papers, your Honor,
19 but I don't know if everything is correct that they say
20 over there.

21 THE COURT: They want to make an inspection.
22 As far as I know, they are entitled to do so, as I told
23 you last week. I think in a normal judgment, they
24 would be allowed to do it ex parte, but I gave you an
25 opportunity to come in here and argue the matter.

1
2 MR. FRIEDMAN: First of all, the show cause
3 order, it says over there that they have to serve the
4 show cause order with the papers personally, and I
5 didn't --

6 THE COURT: I have the affidavit of service by
7 Mr. Switzer, right here.

8 MR. FRIEDMAN: I didn't see it, your Honor.

9 THE COURT: Did you give him a copy of it?

10 MR. BRUNNER: I have a copy of it, your Honor.

11 THE COURT: Well, give him a copy. Now, give me
12 a reason why they should not --

13 MR. FRIEDMAN: Your Honor, first of all, I have
14 to say that I see the whole thing as a case, a
15 continuation from the Fire Department --

16 THE COURT: This is not the Fire Department.
17 This is the Occupational Safety and Health Administra-
18 tion of the United States Department of Labor that
19 makes this inspection.

20 MR. FRIEDMAN: They come from the Fire
21 Department --

22 THE COURT: They do not come from the Fire
23 Department. The Fire Department is a local organiza-
24 tion and this is the United States Government; that's
25 why you're in federal court.

1
2 MR. FRIEDMAN: They argue in the papers that the
3 Fire Department --

4 THE COURT: They have nothing to do with the
5 Fire Department.

6 MR. FRIEDMAN: They argue that the Fire
7 Department --

8 THE COURT: They are not working with the Fire
9 Department.

10 MR. FRIEDMAN: They argue in the papers, the
11 papers come from the Fire Department --

12 THE COURT: Maybe you have fire hazards, I don't
13 know. They are entitled to inspect under the
14 Occupational Safety and Health Act. Do you have some
15 reason why they shouldn't?

16 MR. FRIEDMAN: First of all, this affidavit, it
17 says it doesn't comply with the show cause order. That
18 says that they have to personally serve me --

19 THE COURT: Have you got some legal reason why
20 I shouldn't --

21 MR. FRIEDMAN: I begin with this reason, that it
22 wasn't personally served on me.

23 THE COURT: That's not a reason.

24 MR. FRIEDMAN: This was personally not served on
25 me, and the show cause order --

1
2 THE COURT: They have served the order on M&B
3 Industries, not you, but the company.

4 MR. FRIEDMAN: But the order says, the affidavit,
5 copy of the application and affidavit be personally
6 served by the United States Marshal.

7 THE COURT: On the company.

8 MR. FRIEDMAN: Upon any officers of M&B.

9 THE COURT: That's right.

10 MR. FRIEDMAN: It was not served.

11 THE COURT: I am holding that it is.

12 Now, what other objections do you have?

13 MR. FRIEDMAN: First of all, your Honor, I want --

14 THE COURT: Have you read these papers?

15 MR. FRIEDMAN: I read the papers. I'm not a
16 lawyer. I can only say -- how can I say, if your Honor
17 wants to listen --

18 THE COURT: I want to know what reason you have.

19 MR. FRIEDMAN: I want to point out, your Honor,
20 that this is not shown that this business is affecting
21 commerce, who he brought up --

22 THE COURT: Do you have employees?

23 MR. FRIEDMAN: I have employees, but it doesn't --

24 THE COURT: Are you engaged in the manufacturing
25 of ironing boards?

1
2 MR. FRIEDMAN: Your Honor, I am not on the
3 witness stand now.

4 THE COURT: Are you? Are you? You don't have
5 to answer my questions.

6 Do you contest the jurisdiction? I want to know.
7 You have employees who are engaged in this business --

8 MR. FRIEDMAN: Your Honor, this application does
9 not prove the business is affecting commerce.

10 THE COURT: You say this business does not
11 affect commerce; is that the basis of your opposition?

12 MR. FRIEDMAN: It's not shown it's subject to the
13 Act.

14 THE COURT: In what way?

15 MR. FRIEDMAN: It's not shown that this
16 business is affecting commerce?

17 THE COURT: That's the basis for your opposition?

18 MR. FRIEDMAN: This is one of the grounds for
19 the reasons I object.

20 THE COURT: It doesn't affect commerce?

21 MR. FRIEDMAN: That's not one of the reasons.
22 This application says it affects commerce and it does
23 not show it affecting commerce.

24 THE COURT: Is that the reason that you object to
25 it?

1
2 MR. FRIEDMAN: This is one of the reasons.

3 THE COURT: One of the reasons. What are the
4 other reasons? What other reasons are there?

5 MR. FRIEDMAN: He says in the application that
6 it was denied, it was denied entry to the premises.

7 THE COURT: Yes.

8 MR. FRIEDMAN: The Act says he has to make
9 attempts a couple of times.

10 THE COURT: He did, and he was denied. Do you
11 want to give him the consent now? Do you want to give
12 him the consent now?

13 MR. FRIEDMAN: He was not --

14 THE COURT: Will you give him the consent now?

15 MR. FRIEDMAN: I have to think about it.

16 THE COURT: We have gone beyond the stage of
17 thinking about it. Do you want to give him the consent
18 now? I find your reasons are without substance, and
19 I am going to sign the warrant.

20 MR. FRIEDMAN: Your Honor, I didn't finish my
21 words, please.

22 THE COURT: As far as I am concerned, you are
23 finished.

24 MR. FRIEDMAN: Your Honor, you didn't let me --

25 THE COURT: The warrant is signed.

1
2 MR. FRIEDMAN: Your Honor, I want to appeal this
3 case and I want to have a stay of this case.

4 THE COURT: Then take it up with the Court of
5 Appeals.

6 MR. FRIEDMAN: Your Honor, can I submit papers
7 to the Court?

8 THE COURT: No.

9 (Whereupon, the matter was adjourned.)
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UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF:

Docket No. 77C 1354

ESTABLISHMENT INSPECTION OF :

M & B INDUSTRIES, INC.,

WARRANT FOR INSPECTION UNDER THE OCCUPATIONAL
SAFETY AND HEALTH ACT OF 1970

TO: MR. JOSEPH F. SWITZER, AND ANY OTHER COMPLIANCE OFFICER(S)
OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, UNITED
STATES DEPARTMENT OF LABOR.

Sworn application having been made, reasonable legis-
lative and administrative standards having been prescribed, and
probable cause shown by Mr. Joseph F. Switzer, Compliance Officer,
of the Occupational Safety and Health Administration, United States
Department of Labor, for an inspection and investigation of the
workplace described as:

M & B Industries, Inc.
1261 38th Street
Brooklyn
Kings County, New York 11210

IT IS HEREBY ORDERED that based on the grounds set forth
in the sworn application for inspection warrant and pursuant to sec-
tion 8(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C.
651, et seq.), hereinafter referred to as the Act, YOU, AND/OR ANY
OTHER COMPLIANCE OFFICER(S), OF THE OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION, UNITED STATES DEPARTMENT OF LABOR, ARE AUTHORIZED
to enter the above described premises during regular working hours
or at other reasonable times, and to inspect and investigate in a
reasonable manner and to a reasonable extent (including but not
limited to the taking of photographs and samples and to question
privately any employer, owner, operator, agent or employees of the
establishment), the workplace or environment where work is performed

by employees of the employer and all pertinent conditions, structures, machines, apparatus, devices, equipment, materials, and all other things therein (including records, files, papers, processes, controls and facilities) bearing on whether this employer is furnishing to its employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical injuries to its employees, and whether this employer is complying with the Occupational Safety and Health Standards promulgated under the Act and the rules and regulations, and orders issued pursuant to the Act.

A return shall be made to this court showing that the inspection has been completed, within ten (10) days of the issuance of this warrant.

DATED: , 1977

UNITED STATES DISTRICT JUDGE

RETURN

INSPECTION of the establishment premises described in
this warrant was made on , 1977.

COMPLIANCE OFFICER
Occupational Safety and Health
Administration
185 Montague Street
Brooklyn, New York 11201

Subscribed and sworn to
and returned before me
this day of , 1977.

NOTARY PUBLIC

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

-----X
IN THE MATTER OF: - :
ESTABLISHMENT INSPECTION OF ; Docket # 77C 1354
M & B INDUSTRIES CORP. :
-----X

NOTICE OF APPEAL

M & B INDUSTRIES CORPORATION appeals the decision in this case.

Alan H. [unclear]

